

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SS-15 NSC-05 /052 R

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APPROVED BY EB/AN:RABROWN

EUR/NE - NACHILLES (SUBS)

CAB - J. CHESN (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY DUBLIN

INFO AMEMBASSY LONDON

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY PARIS

AMEMBASSY VIENNA

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E.O. 11652: N/A

TAGS: EAIR, EI

SUBJECT: CIVAIR: CHARTER UNDERSTANDING WITH IRISH
GOVERNMENT

REF: DUBLIN 657 AND PREVIOUS

1. EMBASSY SHOULD INDICATE TO IRISH THAT WE ARE PREPARED
TO CONCLUDE A CHARTER UNDERSTANDING BY CONCEDED TO IRISH
POSITION THAT COMMINGLING BE LIMITED TO THREE CHARTER
CATEGORIES AND BY DEALING WITH THE 15 PERCENT TGC
SUBSTITUTION ISSUE ON THE SAME TERMS AS AGREED TO WITH
THE BRITISH. IF IRISH CANNOT ACCEPT THIS, OR IF BECAUSE
OF POSSIBILITY OF US ACTION IN RESPONSE TO IRISH POLICY OF
FIRST REFUSAL (SEE PARA 2), THEY UNWILLING CONCLUDE NEW
UNDERSTANDING ON THIS BASIS, EMBASSY SHOULD EXPLAIN THAT
THESE CONCESSIONS ON TWO REMAINING ISSUES REPRESENT
FULL AND FINAL EXTENT OF U.S. ABILITY TO COMPROMISE. IF
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IRISH ARE, HOWEVER, WILLING REACH NEW UNDERSTANDING,

EMBASSY SHOULD PROPOSE THE INITIALLING IN DUBLIN OF CLEAN DRAFT SENT FROM LONDON IN EARLY NOVEMBER (WHICH REFLECTED THE UNDERSTANDING THEN REACHED BUT WHICH WAS SILENT ON THE TWO REMAINING ISSUES) WITH THE TEXTUAL CHANGES AS DESCRIBED IN PARA 3 BELOW.

2. RESTRICTIONS POSED BY IRISH POLICY OF FIRST REFUSAL REMAIN SOURCE OF CONCERN, ESPECIALLY TO US SUPPLEMENTAL AIRLINES, WHICH MAY REQUIRE A US COUNTER RESTRICTION AGAINST AER LINGUS. GIVEN THIS POSSIBILITY, IT WILL BE NECESSARY TO AVOID ANY FUTURE MISUNDERSTANDING AND TO ASSURE THAT IRISH UNDERSTAND THAT CHARTER MOU DOES NOT PREVENT US FROM TAKING WHATEVER ACTIONS IT CONSIDERS APPROPRIATE IN RESPONSE TO CONTINUED EFFECTIVENESS AND IMPLEMENTATION OF FIRST REFUSAL POLICY. SUGGEST THAT AT APPROPRIATE POINT IN DISCUSSIONS - PROBABLY AT OUTSET - EMBASSY POINT OUT THAT WE HAVE NOT PROPOSED LANGUAGE IN UNDERSTANDING TO COVER FIRST REFUSAL DISAGREEMENT AND THEREFORE IT REMAINS AS AN ISSUE OUTSIDE THE SCOPE OF UNDERSTANDING. FURTHERMORE U.S. WILLINGNESS TO ENTER INTO THIS MOU IS INTENDED TO PROVIDE STABILITY FOR ALL CARRIERS IN AN AREA WHERE WE DO HAVE UNDERSTANDING AND IS UNRELATED TO THE CONFLICT OF VIEWS ON FIRST REFUSAL.

3. TEXTUAL MODIFICATIONS AND ADDITIONS TO PRESENT DRAFT FOLLOW:

A. ADD A FOOTNOTE AFTER THE COMMA IN THE FIRST SENTENCE OF THE MEMORANDUM OF UNDERSTANDING TO READ: "WITH REGARD, HOWEVER, TO ITS ACCEPTANCE OF THE SUBSTITUTION PROVISIONS OF THE TRAVEL GROUP CHARTER CATEGORY, THE GOVERNMENT OF IRELAND RESERVES THE RIGHT, AFTER SEPTEMBER 30, 1976, AND FOLLOWING CONSULTATIONS, TO WITHDRAW ITS ACCEPTANCE OF SUCH SUBSTITUTION PROVISIONS. THE UNITED STATES WILLINGNESS TO ENTER INTO THE PRESENT UNDERSTANDING IN NO WAY IMPLIES THAT IT IS PREPARED TO REGARD THE FOREGOING GOVERNMENT OF IRELAND RESERVATION AS AN ACCEPTABLE BASIS FOR SUBSEQUENT CHARTER AIR SERVICES UNDERSTANDINGS. IN ADDITION, THE GOVERNMENT OF IRELAND RESERVES THE RIGHT NOT TO ACCEPT TRAFFIC ORIGINATING IN THE UNITED STATES WHERE MORE THAN THREE CATEGORIES OF CHARTERS, AS ELECTED BY THE CARRIER, ARE COMMINGLED ON THE SAME AIRCRAFT".

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B. DELETE THE LAST SENTENCE OF THE EXISTING FOOTNOTE SINCE IT WOULD BE INAPPROPRIATE TO LEAVE OPEN THE POSSIBILITY OF "ANY OTHER ACTION THE DESTINATION COUNTRY MAY DEEM NECESSARY" DURING THE PERIOD OF 15 PERCENT ACCEPTANCE. ROBINSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, SUPPLEMENTAL AIRLINES, NEGOTIATIONS, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE092832
Document Source: CORE
Document Unique ID: 00
Drafter: JBMAGNOR:DAP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760146-0481
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760452/aaaabrvc.tel
Line Count: 112
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 DUBLIN 657
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 05 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 APR 2004 by CunninFX>; APPROVED <27 JUL 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: CHARTER UNDERSTANDING WITH IRISH GOVERNMENT
TAGS: EAIR, EI, US
To: DUBLIN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006